

MINUTE SHEET OF PROCEEDINGS HELD BEFORE
J. ANDREW SMYSER, UNITED STATES MAGISTRATE JUDGE
UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

CC: Stats

DISTRICT

USA v.	Michael Quickel	CRIMINAL NO.	1:04-MJ-002- Middle District of PA 02-CR-30043-MAP District of MA
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Courtroom No. 5	Date 1/30/04	Time Commenced 1:35pm	Time Terminated 1:45pm
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Charging Document:	<input checked="" type="checkbox"/> Indictment	<input type="checkbox"/> Information	<input type="checkbox"/> Petn. For Revoke.	<input type="checkbox"/> Criminal Complaint
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Filed:	1/20/02
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<input checked="" type="checkbox"/> Felony		<input type="checkbox"/> Misdemeanor	<input type="checkbox"/> Petty Offense
Nature of Hearing:	INITIAL APPEARANCE/ Rule 40		
Gov't Counsel:	Eric Pfisterer, AUSA	Defense Counsel	Tom Thornton, AFPD
Interpreter:		Retained/CJA/FPD:	FPD Stand By

<input checked="" type="checkbox"/> Defendant Advised of Rights, Charges, Penalties	<input checked="" type="checkbox"/> Defendant Requests Court Appointed Counsel	<input checked="" type="checkbox"/> Approved AFPD
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<input type="checkbox"/> Plea Entered	<input type="checkbox"/> Guilty	<input type="checkbox"/> Not Guilty	<input type="checkbox"/> Sentencing Deferred Pending PSI
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Thornton
for MDPA
proceedings

Jury Selection/Trial Scheduled For:	
Preliminary Examination Scheduled For:	
Detention Hearing and/or Arraignment	
<input checked="" type="checkbox"/> Next appear in 1 Chase Way, Boston, MA	bef. PHSes. Rm 1300 on 2/2/04 at 10:00

PLAINTIFF'S WITNESSES:

DEFENDANT'S WITNESSES:

Examined		Examined	
Cross Exam'd		Cross Exam'd	
Examined		Examined	
Cross Exam'd		Cross Exam'd	
Examined		Examined	
Cross Exam'd		Cross Exam'd	

REMARKS: Court resumes. Dist. signs Rule 40 waiver.
Bail set at ROR unsecured bond \$10,000 w/conditions
See order. Dist advised of Rule 20 procedures. Dist
Released after USM processing. Court adjourns.

MARY E. D'ANDREA, CLERK
By: JOAN SAYERS, DEPUTY CLERK

COURT REPORTER: Vicki L. Fox, RPR
Tape 1 Side Counter to Box 20

cc: Ct; USA; USP; USM; Dft. Cnsl. *Dept + Dist. MA*

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA

CASE NUMBER: 04-MJ-002

vs.

Dist. of MA # 02-CR-30043 MAP

MICHAEL QUICKEL,

DEFENDANT

ORDER SETTING CONDITIONS OF RELEASE

IT IS ORDERED that the defendant, upon release, shall comply with these conditions:

- (1) The defendant shall not commit any offense in violation of federal, state or local law while on release in this case.
- (2) The defendant shall immediately advise the court, defense counsel and the U.S. Attorney in writing of any change in address and telephone number.
- (3) The defendant shall appear at all proceedings as required and shall surrender for service of any sentence imposed as directed.
- (4) ☒ DEFENDANT IS RELEASED ON HIS/HER OWN RECOGNIZANCE.

Additional Conditions Before Release

- (4) The defendant shall execute a bond binding the defendant to pay the United States the sum of *ten thousand* dollars (*10,000⁰⁰*) in the event of a failure to appear as required or to surrender as directed for service of any sentence imposed.
- (5) The defendant shall deposit cash with the court in the amount of _____% of the bond in paragraph 4.
- (6) The defendant shall deposit cash, or execute a bond with solvent sureties, or agree to forfeit specific identified property as approved by the court, in the full amount of the bond in paragraph 4. If there is to be an agreement to forfeit property, the form (AO 100) Agreement to Forfeit Property shall be executed.
- (7) The defendant is placed in the custody of:

(Name of person or organization) _____

(Address) _____

(City and State) _____

who agrees (a) to supervise the defendant in accordance with all conditions of release, (b) to use every effort to assure the appearance of the defendant at all scheduled court proceedings, and (c) to notify the court immediately in the event the defendant violates any conditions of release or disappears.

Signed: _____

Custodian or Proxy

(1)

FILED
HARRISBURG PA

JAN 30 2004

MAILED
JAN 30 2004
DEPUTY CLERK

Additional Conditions Upon Release

Upon finding that release by one of the above methods will not by itself reasonably assure the appearance of the defendant and the safety of other persons and the community, IT IS FURTHER ORDERED that the release of the defendant is subject to the conditions marked below:

() (6) The defendant is placed in the custody of:

(Name and person or organization) _____

(Address) _____

(City and State) _____

(Tel. No.) _____

who agrees (a) to supervise the defendant in accordance with all the conditions of release, (b) to use every effort to assure the appearance of the defendant at all scheduled court proceedings, and (c) to notify the court immediately in the event the defendant violates any conditions of release or disappears.

Signed: _____

Custodian or Proxy

Date

(✓) (7) The defendant shall:

(a) Report to the Pretrial Services when directed
telephone number _____, not later than _____.

(b) Execute a bond or an agreement to forfeit upon failing to appear as required the following sum of money or designated property: _____

(c) Post with the court the following indicia of ownership of the above described property, or the following amount or percentage of the above-described _____

(d) Execute a bail bond with solvent sureties in the amount of \$ _____

(e) Maintain or actively seek employment.

(f) Maintain or commence an educational program.

(g) Surrender any passport to: _____

(h) Obtain no passport.

(i) Abide by the following restrictions on personal associations, place of abode or travel: _____

(j) Avoid all contact, directly or indirectly with any persons who are or who may be become a victim or potential witness in the subject investigation or prosecution, including but not limited to: _____

(k) Shall undergo medical or psychiatric treatment and/or remain in an institution, as follows: _____

(l) Return to custody each (week) day as of _____, after being released each (week) day as of _____ for employment, schooling or the following limited purpose(s): _____

(m) Maintain residence at a halfway house or community corrections center, as deemed necessary by the pretrial services office or supervising officer.

(n) Refrain from possessing a firearm, destructive device or other dangerous weapons.

(o) Refrain from () any () excessive use of alcohol.

(p) Refrain from use or unlawful possession of a narcotic drug or other controlled substances defined in 21 U.S.C. § 802, unless prescribed by a licensed medical practitioner.

(q) Submit to any method of testing required by the pretrial services office or the supervising officer for determining whether the defendant is using a prohibited substance. Such methods may be used with random frequency and include urine testing, the wearing of a sweat patch, a remote alcohol testing system, and/or any form of prohibited substance screening or testing.

(r) Participate in a program of inpatient or outpatient substance abuse therapy and counseling if deemed advisable by the pretrial services office or supervising officer.

(s) Refrain from obstructing or attempting to obstruct or tamper, in any fashion, with the efficiency and accuracy of any prohibited substance testing or electronic monitoring which is (are) required as a condition(s) of release.

(t) Participate in one of the following home confinement program components and abide by all the requirements of the program which () will or () will not include electronic monitoring or other location verification systems. You shall pay all or part of the cost of the program based upon your ability to pay as determined by the pretrial services office or supervising officer.

(i) Curfew. You are restricted to your residence every day () from _____ to _____, or () as directed by the pretrial services office or supervising officer; or

(ii) Home Detention. You are restricted to your residence at all times except for medical needs or treatment, religious services, and court appearances pre-approved by the pre-trial services office or supervising officer; or

(iii) Home Incarceration. You are restricted to your residence at all times except for medical needs or treatment, religious services, and court appearances pre-approved by the pre-trial services office or supervising officer.

(u) Report as soon as possible, to the pre-trial services office or supervising officer any contact with any law enforcement personnel, including, but not limited to, any arrest, questioning, or traffic stop.

(v) next appeal in Boston, MA on 2/2/04 at 10:00 - PM 1300

(w) _____

(x) _____

One Court House Way
Boston MA

(2)

It is a criminal offense under 18 U.S.C. 3146, if after having been released, the defendant knowingly fails to appear as required by the conditions of release, or to surrender for the service of sentence pursuant to a court order. If the defendant was released in connection with a charge of, or while awaiting sentence, surrender for the service of a sentence, or appeal or certiorari after conviction, for:

- (1) An offense punishable by death, life imprisonment or imprisonment for a term of fifteen years or more, the defendant shall be fined not more than \$250,000 or imprisoned for not more than ten years or both;
- (2) An offense punishable by imprisonment for a term of five years or more, but less than fifteen years, the defendant shall be fined not more than \$250,000 or imprisoned for not more than five years or both;
- (3) Any other felony the defendant shall be fined not more than \$100,000 or imprisoned not more than one year, or both;
- (4) A misdemeanor, the defendant shall be fined not more than \$100,000 or imprisoned not more than one year or both;

A term of imprisonment imposed for failure to appear or surrender shall be consecutive to the sentence of imprisonment or any other offense. In addition, a failure to appear may result in the forfeiture of any bail posted.

Acknowledgment of Defendant

I acknowledge that I am the defendant in this case and that I am aware of the conditions of release. I promise to obey all conditions of release, to appear as directed, and to surrender for service of any sentence imposed. I am aware of the penalties and sanction set forth above.

HOME TELEPHONE 717 291-0144

WORK TELEPHONE Shane 717 519-8939

SOCIAL SECURITY NO. 1108-60-5289

DATE OF BIRTH March 18, 1977

Signature of Defendant [Signature]

Address 120 FOAL Ct

City, State and Zip Code LANCASTER PA

DRIVER'S LICENSE NO. 24 807 467

STATE PA

Directions to United States Marshal

☒ The defendant is ordered released after processing.

☐ The United States Marshal is ORDERED to keep the defendant in custody until notified by the Clerk or judicial officer that the defendant has posted bond and/or complied with all other conditions for release. The defendant shall be produced before the appropriate judicial officer at the time and place specified, if still in custody.

Date 01-30-04

[Signature]
J. Andrew Smyser

United States Magistrate Judge

CC: AUSA, USP, USM; AFPD Thornton; Dept; District MA
AO 167 (Rev. 1/86) Order Holding Defendant

UNITED STATES DISTRICT COURT

Middle DISTRICT Pennsylvania

UNITED STATES OF AMERICA
V.

Michael Quickel

ORDER HOLDING DEFENDANT TO
ANSWER AND TO APPEAR
IN DISTRICT OF PROSECUTION
OR DISTRICT HAVING
PROBATION JURISDICTION

Case Number: 04-MJ-002

Charging District Case Number: 02-CR-30043

The defendant having appeared before this Court pursuant to Rule 40, Fed. R. Crim. P., and proceedings having been concluded and the defendant released;

IT IS ORDERED that the defendant be held to answer in the United States District Court for the
District of Massachusetts; and shall appear at all proceedings as required.

The defendant shall next appear at (if blank, to be notified) to Pretrial Services, Suite 1300
One Courthouse Way, Boston, MA on 10:00 a.m. Monday, February 2, 2004
Place and Address
Date and Time

FILED
HARRINGTON PA

JAN 30 2004

MAF
PC Deputy Clerk

01-30-04

Date

J. Andrew Smyser
Signature of Judicial Officer

J. Andrew Smyser, Magistrate Judge
Name and Title of Judicial Officer

UNITED STATES DISTRICT COURT

MIDDLE

District of

PENNSYLVANIA

UNITED STATES OF AMERICA
v.

APPEARANCE BOND

FILED
HARRISBURG, PA

JAN 30 2004

MARY E. WANDERLICK
Deputy Clerk

MICHAEL QUICKEL

Defendant

Case

04-MJ-002/ 02-CR-30043(MA)

Non-surety: I, the undersigned defendant acknowledge that I and my ...

Surety: We, the undersigned, jointly and severally acknowledge that we and our ...
personal representatives, jointly and severally, are bound to pay to the United States of America the sum of
\$ 10,000.00 in cash or _____ (describe other security.)

The conditions of this bond are that the defendant Michael Quickel
(Name)

is to appear before this court and at such other places as the defendant may be required to appear, in accordance with any and all orders and directions relating to the defendant's appearance in this case, including appearance for violation of a condition of defendant's release as may be ordered or notified by this court or any other United States District Court to which the defendant may be held to answer or the cause transferred. The defendant is to abide by any judgment entered in such matter by surrendering to serve any sentence imposed and obeying any order or direction in connection with such judgment.

It is agreed and understood that this is a continuing bond (including any proceeding on appeal or review) which shall continue until such time as the undersigned are exonerated.

If the defendant appears as ordered or notified and otherwise obeys and performs the foregoing conditions of this bond, then this bond is to be void, but if the defendant fails to obey or perform any of these conditions, payment of the amount of this bond shall be due forthwith. Forfeiture of this bond for any breach of its conditions may be declared by any United States District Court having cognizance of the above entitled matter at the time of such breach and if the bond is forfeited and if the forfeiture is not set aside or remitted, judgment, may be entered upon motion in such United States District Court against each debtor jointly and severally for the amount above stated, together with interest and costs, and execution may be issued and payment secured as provided by the Federal Rules of Criminal Procedure and any other laws of the United States.

This bond is signed on 1/30/04 at Harrisburg, PA
Date Place

Defendant [Signature] Address 38 Teal Court Lancaster, Pa 17601

Surety _____ Phone: (717) 291-0144

Surety _____ Address _____

Signed and acknowledged before me on 1/30/04
Date

Approved: [Signature]
J. Andrew Smyser, Magistrate Judge

[Signature]
Joan Smyers, Deputy Clerk

cc: Dist MA; FPD.

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA : 1:04-MJ-002
v. :
MICHAEL QUICKEL, : Dist. of MA# 02-CR-30043 MAP
Defendant :
:

ORDER

Upon a finding that the defendant is financially unable to obtain counsel, IT IS ORDERED that the Federal Public Defender, 100 Chestnut Street, Suite 306, Harrisburg, Pennsylvania, 17101, telephone (717) 782-2237, is appointed to represent the defendant in all Middle District of PA Rule 40 proceedings arising from this indictment.

J. Andrew Smyser
J. Andrew Smyser
Magistrate Judge

DATED: 01-30-04

FILED
HARRISBURG, PA
JAN 30 2004
MARY E. D'ANDREA, CLERK
Per Deputy Clerk

CC: USA USP FPD DIST MA
s AD 466 (Rev. 9/92) Waiver of Rule 40 Hearings

UNITED STATES DISTRICT COURT

MIDDLE

DISTRICT OF

PENNSYLVANIA

UNITED STATES OF AMERICA

V.

Michael Quickel

WAIVER OF RULE 40 HEARINGS (Excluding Probation Cases)

CASE NUMBER: 04-MJ-002/ 02-CR-30043-MAP

I, Michael Quickel

, understand that in the

District of Massachusetts

, charges are pending

alleging violation of 18: 371 & 922 (a) Conspiracy to Deal Firearms without a license. and that I have been arrested in this District and taken before a United States Magistrate Judge who informed me of the charge and of my right to:

(1) retain counsel or request the assignment of counsel if I am unable to retain counsel, (2) request transfer of the proceedings to this district pursuant to Rule 20, Fed. R. Crim. P., in order to plead guilty, (3) an identity hearing to determine if I am the person named in the charge, and (4) a preliminary examination (unless an indictment has been returned or an information filed) to determine whether there is probable cause to believe an offense has been committed by me, the hearing to be held either in this district or the district of prosecution.

FILED
HARRISBURG, PA

I HEREBY WAIVE (GIVE UP) MY RIGHT TO A(N):

() identity hearing

() preliminary examination

(X) identity hearing and have been informed I have no right to a preliminary examination

() identity hearing but request a preliminary examination be held in the prosecuting district

and, therefore, consent to the issuance of an order requiring my appearance in the prosecuting district where the charge is pending against me.

JAN 30 2004

MATTHEW D'AMORE, CLERK
Deputy Clerk

Defendant

Defense Counsel

1/30/04
Date

AD 442 (Rev. 5/93) Warrant for Arrest

United States District Court

DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA

V.
MICHAEL QUICKEL

WARRANT FOR ARREST

CASE NUMBER: 02-00043-MAP

To: The United States Marshal
and any Authorized United States Officer

1:04 mg02

YOU ARE HEREBY COMMANDED to arrest MICHAEL QUICKEL

Name

and bring him or her forthwith to the nearest magistrate judge to answer a(n)

☒ Indictment ☐ Information ☐ Complaint ☐ Order of court ☐ Violation Notice ☐ Probation Violation
Petition

charging him or her with (brief description of offense)

conspiracy to deal firearms without a license

FILED
HARRISBURG, PA

JAN 30 2004

MARY E. D'AMOREA CLERK
For [Signature]

in violation of
Title

18

United States Code, Section(s) 371

Kenneth P. Neiman

Name of Issuing Officer

Signature of Issuing Officer

United States Magistrate Judge:

Title of Issuing Officer

01-22-2004 at Springfield, MA

Date and Location

Bail fixed at \$

by

Name of Judicial Officer

RETURN

This warrant was received and executed with the arrest of the above-named defendant at

DATE RECEIVED

NAME AND TITLE OF ARRESTING OFFICER

SIGNATURE OF ARRESTING OFFICER

DATE OF ARREST

This form was electronically produced by Elite Record Prints, Inc.

01/30/04

FBI

U.S. DISTRICT COURT

01/27/04 09:54 FAX 617 785 0341

JAN-30-04 FRI 02:25 PM

JAN-27-2003 10:27

FBI SPRINGFIELD

FAX NO.

P. 12

P. 1.

AO 442 (Rev. 5/93) Warrant for Arrest

THE FOLLOWING IS FURNISHED FOR INFORMATION ONLY:

DEFENDANT'S NAME: MICHAEL QUICKEL

ALIAS:

LAST KNOWN RESIDENCE:

LAST KNOWN EMPLOYMENT:

PLACE OF BIRTH:

DATE OF BIRTH (4 digit year):

SOCIAL SECURITY NUMBER (last 4 digits only):

HEIGHT:

WEIGHT:

SEX: MALE

RACE:

HAIR:

EYES:

SCARS, TATTOOS, OTHER DISTINGUISHING MARKS:

FBI NUMBER:

COMPLETE DESCRIPTION OF AUTO:

INVESTIGATIVE AGENCY AND ADDRESS:

TTO

103

201110 5 1111 00

1650 001 016 YVA 10180 10/17/10
TOTAL 2 1

01/30/2004 FRI 16:23 [TX/RX NO 8259] 012